

CHAPTER 35
SUPPLEMENTAL EXPENSE PAYMENT
PREAMBLE

These rules establish the reimbursement process for increased service costs to counties for persons with mental retardation due to the revised definition of mental retardation established in rule 441—24.1(225C) which became effective on December 1, 1993, and identified persons with mental retardation as having an IQ of “70 to 75 or below” instead of “approximately 70.” On June 9, 1995, the definition returned to “approximately 70.”

441—35.1(76GA,HF505) Definitions.

“*Department*” means the Iowa department of human services.

“*Director*” means the director of the department.

“*Division*” means the division of mental health and developmental disabilities of the department.

“*IQ*” means an intelligence quotient (IQ or IQ-equivalent) obtained by assessment with one or more of the standardized, individually administered intelligence tests (e.g., Wechsler Intelligence Scales for Children—Revised, Stanford-Binet, or Kaufman Assessment Battery for Children).

“*Legal settlement*” means legal settlement as defined at Iowa Code sections 252.16 and 252.17.

“*Persons with mental retardation*” refers to persons with mental retardation diagnosed in accordance with Iowa Code section 222.60 as amended by 1995 Iowa Acts, House File 505, section 1.

“*Revised definition of mental retardation*” refers to the definition of “persons with mental retardation” established at rule 441—24.1(225C) which was effective from December 1, 1993, to June 9, 1995, identifying the IQ level at 70 to 75 or below.

441—35.2(76GA,HF505) Procedures for reimbursement. A county which has increased service costs for persons with mental retardation due to the revised definition of mental retardation may file a claim with the division. A claim cannot be made for any expense resulting from unresolved legal settlement disputes.

35.2(1) Claim submission. To be eligible for any reimbursement authorized by the legislature, the county shall submit the following information to the division prior to January 1, 1996.

a. Evidence that the county board of supervisors adopted a policy or that a policy had been implemented prior to December 1, 1993, restricting payments for persons with mental retardation to only those persons with an IQ of 70 or less.

b. A written statement from the board of supervisors that the county has not paid for services for persons with mental retardation for anyone having an IQ over 70 after implementation of the county policy and prior to December 1, 1993.

c. Information on each person for whom reimbursement funds are requested. This evidence shall include:

- (1) The IQ for each person.
- (2) Information on how and when this IQ was determined and the qualifications of the person doing the determination.
- (3) The beginning date of the service for which payment was made for each person and a detailed payment schedule including how much paid, to whom and for what service.

d. The total amount of increased service costs claimed.

35.2(2) Additional information. Counties shall provide or make available any other pertinent information requested by the division if information is needed for clarification or to audit the claim.

441—35.3(76GA,HF505) Eligible time period. The claimed increased expenses shall only be for services provided during the time period from December 1, 1993, through June 30, 1995.

441—35.4(76GA,HF505) Notification to county. The division shall review all claims for completeness and shall issue a notice of decision to the county by February 1, 1996, whether the claim is eligible for reimbursement if funds are appropriated by the legislature. If the claim is not eligible for reimbursement, the requirement that is not in compliance shall be stated on the notice of decision.

441—35.5(76GA,HF505) Appeals. Counties dissatisfied with the division's decision may file an appeal with the director. The written appeal must be submitted within ten working days of the date of the notice of decision and must include a request for the director to review the decision and the reasons for dissatisfaction. Within ten working days of the receipt of the appeal the director shall review the appeal request and issue a final decision.

441—35.6(76GA,HF505) Supplemental appropriation. The division shall submit a report to the governor's office and the general assembly for budget consideration during the fiscal year 1996 legislative session. This report shall include the total increased costs submitted by counties due to the revised definition of mental retardation. If the total exceeds \$2,000,000 statewide, the report shall include a recommendation for a supplemental appropriation for the amount in excess of \$2,000,000 to be used for a supplemental expense payment to counties.

441—35.7(76GA,HF505) Amount of payment. The amount of a county's supplemental expense payment shall be equal to the amount of the county's proportion of the total of the increased costs submitted applied to the amount of the supplemental appropriation.

These rules are intended to implement Iowa Code section 217.6 and 1995 Iowa Acts, House File 505, section 2.

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CHAPTER 36 COMMUNITY SUPERVISED APARTMENT LIVING ARRANGEMENTS

Rescinded 9/29/93 IAB, effective 12/1/93; see 441—Chapter 24, Divisions I, V.